

Linen and Hempen Manufactures (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Repeal of Acts.
3. All flax sold or exposed for sale in fair or market to be of equal cleanness and quality throughout: Penalty not exceeding 1s. per stone.
4. Regulations as to reeling and counting linen yarn when sold in fair or market.
5. Places and hours of sale of linen yarn and flax.
6. Weaver to weave two coarse threads, and write his name and residence on every piece of linen with its length and breadth. Penalty for neglect.
7. Width of linen cloth. Penalty.
8. How linen cloth shall be exposed to sale in fair or market.
9. Linen to be of equal fineness throughout.
10. Linen not to be pasted or spouted.
11. What shall be deemed a sale or exposure for sale of linen in fair or market.
12. Proceedings before justice upon complaints on oath.
13. For settling disputes between buyer and seller in fairs and markets.
14. Flax, yarns, and lincens not to be subject to regulations, unless sold in open market.
15. Lord Lieutenant to appoint a committee in each county for regulating sealmasters.
16. Committees appointed under any of repealed Acts to continue unless superseded.
17. Committee may remove sealmasters, and appoint others.
18. Lord Lieutenant may direct the committee to report the grounds upon which they have dismissed any sealmaster; and cause such report to be inquired into; and confirm or revoke such dismissal.
19. Sealmaster shall give security.
20. Committee to prescribe the forms of seals to be used by sealmasters. Forging seals.

[Bill 216.]

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Chairs.

21. Residence of sealmasters.
22. Duties of sealmasters. Their fees. Penalty for neglect.
23. No person to sell or buy any unbleached linen not sealed.
24. Sealmasters to measure between buyer and seller.
25. Buyers may recover from sealmasters for damage or deficiency in linen.
26. Committee shall appoint inspectors.
27. Duty of inspectors.
28. Offence to be tried where the cloth is seized.
29. Application of penalties.
30. Penalties exceeding 5*l.* and not exceeding 40*l.* recoverable before chairman. Exceeding 40*l.* by action, &c. in superior courts. Venue to be laid in the county, &c. where penalties incurred.
31. Persons convicted of pawning or embezzling any of the materials herein particularised to forfeit the full value of the same with costs. Application of forfeiture.
32. Persons knowingly purchasing or receiving stolen materials or tools guilty of a misdemeanor.
33. As also persons knowingly selling, pawning, &c. stolen materials or tools.
34. Justice of the peace empowered to issue his warrant for the apprehension of offenders against this Act; and to commit them for trial at the sessions.
35. Justice empowered to grant search warrants; and to detain property or persons. Persons convicted of having stolen property in their possession guilty of a misdemeanor.
36. Chief constables and chiefs of police empowered to search the premises of purchasers and receivers of purloined or embezzled property, without a justice's warrant, upon emergency.
37. Officers, constables, and others to apprehend suspected persons, and to lodge them, with the property, in a police office. Persons so apprehended and not proving that the property is honestly come by, guilty of a misdemeanor.
38. Adjournment of time for trial allowed on prisoner finding bail.
39. Penalties on persons guilty of misdemeanors in respect of goods purloined or embezzled, &c.
40. How property which has been seized, and is unclaimed or confiscated, shall be disposed of.

Clause.

41. Owners of materials delivered to weavers, &c. to be worked up, may at all reasonable hours enter into shops or outhouses to inspect such materials. In case of refusal the owner may apply to a justice for a search warrant.
 42. Justice may grant a warrant on complaint on oath that a person is about to abscond.
 43. Penalty on bringing a malicious charge before a justice.
 44. Tickets of particulars shall be given out with the work, and a duplicate or copy to be kept in a weaving book, and to be evidence of agreement.
 45. Manufacturers neglecting or refusing to give tickets or produce duplicates, deprived of remedy under this Act.
 46. Persons receiving materials to be manufactured in a fictitious name, or delivering the same to any other person without the consent of the owner, &c. shall be liable to the same punishment as those not fulfilling their engagements.
 47. Justice to issue warrant to constable to take possession of property intrusted to any person committed for embezzling a part, or convicted of any other offence.
 48. Cloths, &c. intrusted for manufacturing not liable to seizure for rent or any other debt of the worker.
 49. Masters refusing to pay wages to workmen when due may be summoned before a court of petty sessions.
 50. Penalty for bringing a malicious charge before the court.
 51. Scale of imprisonment on summary convictions under this Act not specially provided for.
 52. Limitation of time within which proceedings must be commenced. Justice of the district in which the work is given out to have authority to act.
 53. One justice competent to receive information and issue warrant, &c. Adjudication of the justices at petty sessions may be enforced by any one of such justices.
 54. Construction of terms.
 55. Application of penalties.
 56. Appeals from summary convictions to the general or quarter sessions.
 57. Limitation of actions.
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B I L L

TO

Consolidate and continue the Laws relating to Linen, Hempen, and other Manufactures in Ireland. A.D. 1876.

WHEREAS the laws relating to linen, hempen, and certain other manufactures in Ireland are contained in divers Acts which are temporary in their duration, and it is expedient to consolidate and continue the same:

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Linen, Hempen, and other Short title.
10 Manufactures (Ireland) Consolidation Act, 1876."

2. *From and after the passing of this Act* the several Acts specified in the schedule to this Act annexed shall be and the same are hereby repealed. Repeal of Acts.

Provided that the repeal enacted in this Act shall not affect—

- 15 (1.) Anything duly done before this Act comes into operation :
- (2.) Any right acquired or liability accrued before this Act comes into operation :
- (3.) Any penalty, forfeiture, or other punishment incurred in respect of any offence committed before this Act comes
- 20 into operation :
- (4.) The institution of any legal proceeding, or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

3. All flax sold by sample or otherwise, or exposed for sale in open fair or market, in Ireland, shall be of equal cleanness and quality throughout each parcel, upon pain that any person selling

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All flax sold or exposed for sale in fair or market to be of equal cleanness and quality.

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ity through-
out: Penalty
not exceeding
1s. per stone.
5 & 6 Will. 4.
c. 27. s. 1.

Regulations
as to reeling
and counting
linen yarn
when sold in
fair or
market.
5 & 6 Will. 4.
c. 27. s. 2.
7 & 8 Vict.
c. 27. s. 2.

or exposing for sale such flax, or the owner thereof at the time of sale, shall forfeit and pay a sum not exceeding the amount of one shilling for every stone of flax so sold or exposed for sale which shall not be of equal cleanness and quality throughout each parcel.

4. All brown or unbleached or unpurged linen yarn sold in open fair or market in Ireland shall be well and sufficiently spun and made up into hanks, each hank to consist of twelve cuts and no more, save and except in the case of yarn or grist of two hanks in the pound, commonly called pound yarn or head yarn, which last-mentioned description of yarn shall be made up in half hanks of six cuts and no less; and every such cut shall contain one hundred and twenty threads, and no more; and every such hank shall be one yard and one quarter in length, or two yards and one half in circumference, and no more; and each such cut in every such hank shall be separated as the same shall be reeled, and not afterwards; and in reeling such linen yarn no more than one thread at a time shall be reeled; and all the yarn contained in every such hank shall be of flax yarn only, or tow yarn only, of the same colour and fineness throughout each hank; and when the hank or twelve cuts are reeled, the same shall be made up in such manner as to admit of opening thereof at every part at ten inches at least, for the purpose of spreading on the bleach green; and in case any person or persons shall sell or expose for sale in open fair or market any yarn which shall not be conformable to the above regulations, or which shall be deficient in quality, length, or count, such person or persons, or the owner or owners of such yarn at the time of sale, shall forfeit a sum not exceeding *fourpence* for every hank of such yarn so sold or exposed for sale as aforesaid; and in all cases of fraud or wilful default in the preparation of linen yarn which shall be sold or exposed for sale in open fair or market, the person or persons selling or exposing for sale such yarn, or the owner or owners thereof, shall forfeit a sum not exceeding *fourpence* for every hank of such yarn so sold as aforesaid: Provided always, that nothing herein-before contained shall extend or be construed to extend to mill-spun yarn, and that no mill-spun yarn shall be subject to the regulations aforesaid.

Places and
hours of sale
of linen yarn
and flax.
5 & 6 Will. 4.
c. 27. s. 3.

5. For the purposes of this Act all flax or linen yarn which shall be sold or exposed for sale in the public or usual market place of any fair or market, between the hours of eight of the clock in the forenoon and two of the clock in the afternoon of any fair or market

day, shall be deemed and taken to be sold or offered for sale in open fair or market, and none other; any law, usage, or custom to the contrary notwithstanding.

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6. Across each end of every piece of Linen cloth sold or exposed for sale in open fair or market in Ireland, there shall be woven two coarse threads or cords, distant from each other about one fourth part of an inch; and there shall be written with pen and ink, close to such coarse threads or cords on each end, in legible characters, the christian name, surname, and place of residence of the weaver or manufacturer thereof, and there shall be also written or marked upon the outside fold of every such piece of linen the length and breadth thereof; and in case any person shall sell or offer for sale in open fair or market any piece of linen wherein such threads of cords shall not be so woven, or whereon the name and residence of the weaver or manufacturer, and the length and breadth thereof, shall not be so written, such person so offending shall, upon complaint and proof thereof, forfeit a sum not exceeding five shillings for every such offence according to the judgment and discretion of the justice before whom any such complaint shall be made.

Weaver to weave two coarse threads, and write his name and residence on every piece of linen with its length and breadth. 5 & 6 Wt. 4. c. 27. s. 4.

Penalty for neglect.

7. No person shall sell or expose for sale in open fair or market in Ireland any piece of brown linen cloth being of or exceeding the set of twelve hundred, made or intended to be of the denomination commonly called yard wide, that shall not be, when brown and before the same shall be bleached, thirty-seven inches and a half broad at least; and all cloth of the denomination of yard wide, being under the set of twelve hundred, shall be, when brown, thirty-six inches broad at least; and no person shall sell or expose for sale in any public market any piece of plain linen cloth being of the denomination commonly called seven eighths wide, that shall not be, when brown and before the same shall be bleached, thirty-two inches broad at least; and no person shall sell or expose for sale in any public market any piece of plain linen cloth being of the denomination commonly called three quarters wide, that shall not be, when brown and before the same shall be bleached, twenty-eight inches broad at least; and no person shall sell or expose for sale in any public market any piece of plain linen cloth of the denomination of nine eighths wide sheeting, that shall not be, when brown and before the same shall be bleached, forty-one inches broad at least; and no person shall sell or expose for sale in any public fair or market any piece of plain linen cloth of the denomi-

Width of linen cloth. 5 & 6 Wt. 4. c. 27. s. 5. 7 & 8 Vict. c. 47. s. 2.

Yard wide.

7 eighths wide.

3 eighths wide.

9 eighths wide.

3 qrs. wide.

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 6 qrs. wide.
 Penalty.

nation of five quarters wide sheeting, that shall not be, when brown and before the same shall be bleached, forty-five inches broad at least; and no person shall sell or expose for sale in any public fair or market any piece of plain linen cloth of the denomination of six quarters wide sheeting, that shall not be, when brown and before the same shall be bleached, fifty-four inches broad at least; and if any person shall sell or expose for sale in any fair or market any linen cloth or sheetings of the denominations above mentioned, which shall not be respectively of the widths above directed and specified, every such person shall be subject to a penalty not exceeding *ten shillings* for each such piece so sold in open fair or market. 5 10

How linen cloth shall be exposed to sale in fair or market. 5 & 6 Will. 4. c. 27. s. 6.

8. Every piece of brown or unbleached linen cloth which shall be exposed to sale in open fair or market shall be so exposed in open folds, and no ways tied at either end or in the middle, upon pain that any person selling or exposing for sale any such linen cloth contrary to the directions aforesaid shall forfeit a sum not exceeding *five shillings* for every such piece so sold or exposed for sale as aforesaid. 15

Linen to be of equal fineness throughout. 5 & 6 Will. 4. c. 27. s. 7. 7 & 8 Vict. c. 47. s. 3.

9. No person shall in open fair or market sell or expose for sale any piece of brown or unbleached plain linen cloth which shall be thicker or finer in the selvaige than in the body of such piece, or which shall not be of equal fineness and thickness throughout every part of the length and breadth of such piece, under a penalty not exceeding *twenty shillings* for every such piece of linen so sold or exposed for sale as aforesaid. 20 25

Linen not to be glazed or spouted. 5 & 6 Will. 4. c. 27. s. 8. 7 & 8 Vict. c. 47. s. 2.

10. No person shall sell or expose for sale in open fair or market any piece of brown or unbleached linen any part whereof shall have been glazed, pasted, or spouted, after it is woven, or dyed or stained, either in the yarn or cloth, with any material which has a tendency to render the part so glazed, pasted, spouted, dyed, or stained more difficult to bleach, or to deceive the buyer as to quality, on pain of forfeiting a sum not exceeding *twenty shillings* for every such piece so sold as aforesaid. 30

What shall be deemed a sale or exposure for sale of linen in fair or market. 7 & 8 Vict. c. 47. s. 3.

11. All linen which shall be sold or exposed for sale within the custom gaps or custom gates of any fair or market on the respective fair days, between the hour of ten of the clock in the forenoon and two of the clock in the afternoon, whatever may be the period of the year, shall for the purposes of this Act be deemed and taken to be sold or exposed for sale in open fair or market, and 35 40

none other; any law, usage, or custom to the contrary notwithstanding. A.D. 1876.

12. It shall be lawful for any justice of the peace before whom a complaint on oath shall be made against any person or persons for selling or offering for sale in fair or market any flax, yarn, or linen not conformable to the regulations in this Act contained, or for any fraud or wilful default in the preparation or manufacture of such flax, yarn, or linen so sold or offered for sale, and such justice is hereby required and empowered to summon before him three persons skilled in flax, yarn, or linen, as the case may be, of whom one shall be named by the party making such complaint, another by the party against whom such complaint may be made, and the third by such justice; and in default of either party making such nomination, such justice shall nominate a person on behalf of the party so making default; and the three persons so summoned shall be sworn by such justice well and truly to examine the flax, yarn, or linen, as the case may be, which is the subject of such complaint, and a true verdict to give whether such complaint be or be not well-founded; and such verdict shall be conclusive on the subject of such complaint; and if such complaint shall be declared to be ill-founded, then and in such case the said three persons shall award such compensation as they may deem just to be paid by the party making such complaint to the person or persons against whom such complaint may have been made, for his or her or their trouble and loss of time and expenses occasioned by such unfounded complaint; and the money so awarded shall and may be recovered by all such means as any penalty might have been recovered in case the said complaint had been proved to be well-founded.

Proceedings before justice upon complaints on oath.
5 & 6 WILL. 4.
c. 27. s. 10.

13. And whereas disputes frequently arise between the buyer and seller, in respect of flax, yarn, and cloth sold or agreed to be sold in fairs or markets; for remedy whereof, be it enacted, that if the buyer of any such flax, yarn, and cloth sold or agreed to be sold in fair or market shall without just cause refuse to pay to the person selling the same the price agreed upon between them, or if the seller shall without just cause refuse to deliver such flax, yarn, or cloth to the person buying the same, or shall wilfully neglect to present the same for payment at the usual place of payment of the buyer within five hours after having sold the same, being duly informed of such place of payment, it shall be lawful for the buyer or

For settling disputes between buyer and seller in fairs and markets.
5 & 6 WILL. 4.
c. 27. s. 11.

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seller of the same respectively to complain, at any time within twenty-four hours, to any justice of the peace, where such dispute shall have arisen; and every such justice of the peace is hereby required and authorised forthwith to summon the parties to appear before such justice and some other justice; and if it shall appear to such justices that the buyer shall without just and reasonable cause refuse or have refused to pay the seller the price first agreed upon between such buyer and seller at such fair or market, such justices of the peace, may by warrant under their hands and seals respectively, order such flax, yarn, or cloth to be returned to the seller thereof, and may by such warrant direct any penalty not exceeding the sum of *ten shillings* to be levied off the goods and chattels of the buyer thereof; and if it shall appear to such justices of the peace that the seller shall without reasonable cause refuse or have refused to deliver up to such flax, yarn, or cloth to the person or persons to whom he had sold or agreed to sell the same, or shall have wilfully neglected to present the same for payment at the usual place of payment of the buyer within five hours after having sold the same, being duly informed of such place of payment, such justices of the peace may, by warrant under their hands and seals, order the same to be delivered up to the person who had bought or agreed to buy the same, and may also by such warrant direct any penalty not exceeding the sum of *ten shillings* to be levied off the goods and chattels of the seller.

Flax, yarns,
and linens
not to be
subject to
regulations,
unless sold
in open
market.
5 & 6 WILL. 4.
c. 27, s. 12.

14. Provided always, that nothing in this Act contained, shall extend or be construed to extend to nor shall affect any flax, yarn, or linens not sold nor exposed for sale in open fair or market, it being the true intent and meaning of this Act that all persons may manufacture and make up flax, yarn, or linens in any manner they may think proper, and sell the same, without being subject to any regulations, penalties, or provisions in this Act contained, unless they sell or expose for sale the same in open fair or market.

Lord Lieu-
tenant to
appoint a
committee in
each county
for regu-
lating man-
ufacture.
5 & 6 WILL. 4.
c. 27, s. 14.

15. It shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being from time to time to nominate and appoint, in any and every county in which the linen manufacture or any branch thereof is or shall be carried on, twelve such persons residing in such county, or buying or selling linens therein, as shall appear to be fit and proper persons to be a committee for appointing, directing, and controlling the

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inspectors and brown linen sealmasters of such county conformably to the regulations, provisions, and directions prescribed by this Act, of which nomination and appointment public notice shall be given in the Dublin Gazette, and in some paper published in every such
 5 county respectively; and in case of the death or resignation of any person appointed to be a member of such committee, and in case of any removal made by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being of any person from the situation of member of the said committee, which removal the said
 10 Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being is and are hereby empowered to make, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being as aforesaid to nominate and appoint such other person or persons as he or they shall think
 15 fit to be a member or members of such committee in the room and stead of the person or persons who shall have died or resigned, or who shall have been so removed; and notice of every such nomination or appointment shall be given in the Dublin Gazette and in any newspaper of the county to which such nomination shall
 20 relate.

16. Provided always, that the persons appointed or authorised under any of the Acts by this Act repealed to constitute committees in their several counties for the purposes of such Acts, or any of them, and who shall be acting in that capacity at or previous to
 25 the passing of this Act, shall be and constitute without further nomination or appointment, the respective committees in such counties for the purposes of this Act, and shall be deemed and taken to be and to have been appointed hereunder, and shall have power and authority accordingly to act in execution of this Act until or
 30 unless the Lord Lieutenant or other Chief Governor or Governors shall think fit to supersede such persons or any of them.

Committees appointed under any of repealed Acts to constitute unless superseded.
 5 & 6 Will. 4. c. 27. s. 15.

17. Every such committee, having formed a list of all persons acting as sealmasters in the county for which such committee shall be appointed, shall then proceed to revise the said list; and it shall
 35 and may be lawful for every such committee, or any five or more of them, upon such revision, to dismiss any person from the situation of sealmaster whom they shall consider to be unfit for such situation, and to appoint another in place of the person so dismissed, and so from time to time to dismiss and appoint every such person as such
 40 committee, or any five or more of them, shall deem it right to

Committee may remove sealmasters, and appoint others.
 5 & 6 Will. 4. c. 27. s. 16.

A.D. 1876. — dismiss from or appoint to the office and situation of a sealmaster of brown linen, limiting or extending the number of such sealmasters according as it shall seem to such committee to be expedient and necessary; and it shall and may be lawful for every such committee, or any five or more of them, to confine the duties and authorities of every sealmaster to such particular linen market or markets in their respective counties as they shall think proper, and to dismiss any sealmaster who shall refuse or neglect to obey any such rules, regulations, and directions as such committee shall lay down for the government of such sealmaster; provided that nothing contained in the said rules, regulations, and directions shall be contrary to any of the provisions of this Act.

Lord Lieutenant may direct the committee to report the grounds upon which they have dismissed any sealmaster; and cause such report to be inquired into; and confirm or revoke such dismissal.
5 & 6 Will. 4. c. 27. s. 17.

18. Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, in his or their discretion, to order and direct that such committee as aforesaid shall, within a time to be specified, make a report of the grounds upon which any dismissal of any sealmaster may have taken place by or under the orders of such committee, and such report such committee are hereby required to make accordingly, within such time as shall be specified for that purpose; and it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being to direct that the matter of such report shall be inquired into by any person or persons to be named and appointed for that purpose by such Lord Lieutenant or other Chief Governor or Governors of Ireland, and according to the result of such inquiry, or in case no report shall be made by such committee within the time so specified, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, either to confirm such dismissal, or to revoke the same, and to direct that the person so dismissed shall be restored to his situation of sealmaster.

Sealmaster shall give security.
5 & 6 Will. 4. c. 27. s. 18.

19. Every person who shall at or previous to the passing of this Act be acting as a sealmaster in any county, under the provisions of the Acts by this Act repealed, and who shall have complied with the provisions of the said Acts with respect to the entering into security by sealmasters, may continue so to act; and every person who shall be at any time after the passing of this Act appointed a sealmaster shall, before doing any act by virtue of such appointment, enter, with two sufficient sureties, into such security as herein-after mentioned; (that is to say,) a security by writing obliga-

tory to our Sovereign Lady the Queen in such penal sum or sums as shall be directed by the committee for the county wherein such sealmaster shall act, such writing obligatory to be in such form of words as obligations to the Queen's Majesty are used to be made, for the performance of the conditions thereunder written; and the committee for each county shall have power and authority to take and cause such writing obligatory to be made and entered into; and all obligations so made shall be good and effectual in law to all intents and purposes as any obligation made to our Sovereign Lady hath heretofore been or may be adjudged or taken to be; and the condition of every such security shall be, that the person so appointed a sealmaster shall duly and diligently execute his office according to the regulations of this Act; and that such sealmaster, his executors or administrators, shall duly and without delay pay all such fines as shall be imposed on him from time to time by any justice, and all such damages as may be awarded against him in any suit or proceeding under this Act; and that in case of the death of any of his sureties, such sealmaster will, within one month after such death shall have come to his knowledge, procure another sufficient person to enter into a like security; and that such sealmaster, his executors or administrators, will surrender and give up his seal or stamp when thereunto required by such committee, or any five or more of them; and that he will not at any time lend, hire out, or sell his stamp or seal, or suffer the same to be used by any person but himself, or his known servant or assistant at his usual place of residence.

20. It shall be lawful for every such committee, or any five or more of them, to choose and prescribe the form and device of the seal or stamp to be used by the sealmasters of their county, and to alter the same as often as such committee shall think fit; and if any person shall forge or counterfeit any seal or stamp of any sealmaster appointed or to be appointed by such committee, or any five or more of them, to any piece or part of a piece of brown linen, such person, being thereof lawfully convicted, shall be imprisoned, with or without hard labour, for any period not exceeding one year, at the discretion of the judge or judges who shall try such offence.

21. Every sealmaster of brown linen, except such as are or shall be appointed to particular markets, shall reside within the parish mentioned on his seal; and one of the persons who shall enter into security for him as aforesaid shall be resident within the same

Committee to prescribe the form of seals to be used by sealmasters. Forging seals. 5 & 6 Will. 4. c. 27. s. 19.

Residence of sealmasters. 5 & 6 Will. 4. c. 27. s. 20.

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Duties of
sealmasters.
5 & 6 Wm. 4.
c. 27. s. 21.
7 & 8 Vict.
c. 47. s. 2.

parish, or in or within one mile of the next market town thereto within the same county; and a sealmaster appointed for any particular market shall be at liberty to use his seal or stamp in respect to all linens prepared for sale in such market, without reference to his place of residence.

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22. Every sealmaster of brown or unbleached linen appointed as aforesaid shall carefully view, examine, and measure every piece of such linen which shall be produced and offered to him to be sealed; and if the same shall appear to him to be merchantable, and to be conformable to the directions in this Act contained, then, and not otherwise, such sealmaster shall affix or cause to be affixed a fair impression of such seal as shall be appointed for him by the said committee, with lump black, or vermilion, or stone blue, and size or common oil, on the middle of such fold, at no more than thirteen inches from the end of such piece, and shall likewise mark or cause to be marked with such ingredients as aforesaid on the back or outside of every such piece, the length of such piece, and the number of inches it contains in breadth, and also the half inch if the same shall be in breadth half an inch more than any number of inches (without regard to any lesser fractions of an inch), together with the name of such sealmaster, and the parish and county where he resides, or the name of the market town for which he may be appointed to act; and if any parts of such piece shall be damaged or faulty, but not so damaged or faulty as to render the same unmerchantable, every such damaged or faulty part shall be fairly exposed in the lap or bosom of such piece, so as that the same may be easily seen; and opposite to such damaged or faulty part, upon the bosom of every such piece, such sealmaster shall affix or cause to be affixed an impression of his seal, with such ingredients as aforesaid, to denote such damaged or faulty part; and such sealmaster shall and may demand and take the sum of one penny, and no more, for every piece of brown or unbleached linen containing twenty-five yards or under which shall be by him sealed as aforesaid, and so in proportion for a greater quantity; and if any such sealmaster shall offend by neglecting or transgressing any one of the regulations aforesaid, every such sealmaster shall forfeit a sum not exceeding *twenty shillings* for every such offence.

Then fees.

Penalty for
neglect.

No person
to sell or
buy any
unbleached

23. No person shall in open fair or market in Ireland sell or expose to sale, buy or agree to buy, any pieces of brown or

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unbleached linen which shall not, at the time of selling or exposing the same to sale, be sealed and marked as required by this Act, upon pain of forfeiting the sum of *five shillings* for every piece of linen so sold or exposed to sale.

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Linon not
sealed.
5 & 6 Will. 4.
c. 27. s. 22.

24. All brown linen shall be measured between seal and seal, and had and insufficient ends shall not be taken into the length thereof; and such linen shall be bought and sold by no other measure than the statute yard containing thirty-six inches; and no extraordinary measure or allowance, except the breadth of a thumb, as is now generally practised, to every yard in the measuring thereof, shall be made therein by the seller to the buyer, or required or accepted of or taken by the buyer from the seller, upon pain that every person buying or selling any such linen contrary to the true intent and meaning of this Act shall forfeit a sum not exceeding *five shillings* for every such offence.

Sealmasters
to measure
between
buyer and
seller.
5 & 6 Will. 4.
c. 27. s. 23.

25. If any person shall sustain any loss or damage in the buying any piece of brown or unbleached linen, by any damaged part being concealed in the folds thereof, or by its not answering the measure as to the length or breadth marked thereon by any sealmaster, it shall and may be lawful to and for such person to sue for and recover from the sealmaster of such piece, or the persons who shall at the time of such sealing be bound as security for his faithful discharge of the office of sealmaster, the full value of the loss or damage so sustained.

Buyers may
recover from
sealmasters
for damage
or defec-
tancy in
linon.
5 & 6 Will. 4.
c. 27. s. 24.

26. It shall be lawful for the committees aforesaid, or any five of their body, to appoint inspectors for such brown linen and linen yarn and flax markets within each of their said counties as may appear to such committees necessary for the better regulation of such brown linen, linen yarn, and flax markets within such counties; and it shall and may be lawful for such committees at any time to dismiss or discontinue such inspectors, and to appoint others in their places; provided that it shall not be lawful for such committees to impose any fine, charge, or impost whatsoever for the remuneration or emolument of such inspectors.

Committee
shall appoint
inspectors.
5 & 6 Will. 4.
c. 27. s. 25.

27. Every such inspector so appointed shall have full power and authority to inspect and examine all brown linen, linen yarn or flax exposed for sale in any public market or fair to which he shall have been appointed as aforesaid; and he is hereby authorised and required to seize any linen yarn or flax so sold or exposed for sale in public fair or market not conformable to the regulations prescribed in this

Duty of
inspectors.
5 & 6 Will. 4.
c. 27. s. 26.

A.D. 1876. Act; and such inspectors shall forthwith carry such linen, yarn, or flax before any justice of the peace within their respective jurisdictions to be dealt with according to law; and in case a justice of the peace cannot be forthwith found, then such inspector may detain such linen, yarn, or flax so seized, if necessary, for forty-eight hours, but no longer, to be dealt with as aforesaid; and such inspector shall, as often as he may be called on by the committee of the county for which he shall act, return a diary or journal of his proceedings, and a true account of all linens, yarns, and flax by him seized or informed against, and also a true account of the fines imposed and levied or paid on such linens, yarns, or flax, and also pay the amount of the said fines received by him to such committee, when required so to do.

Offence to be tried where the cloth is seized.
5 & 6 Wm. 4. c. 27. s. 34.

28. If any sealmaster of any one county shall commit any offence punishable by this Act, and the piece of linen in respect whereof such offence shall have been committed he sold or exposed for sale and seized in another county, the complaint made against such sealmaster shall be heard before and determined by, and the penalty levied under the warrant of any justice of the peace of the county in which such piece of linen shall be sold, offered for sale, or seized, as if the default or neglect of such sealmaster in respect of such piece of linen had been committed in the county in which such piece of linen was seized.

Application of penalties.
5 & 6 Wm. 4. c. 27. s. 35.

29. Any penalty which shall be awarded and levied by any justice of the peace, in pursuance of the preceding provisions of this Act, shall and may be directed by such justice to be applied in manner following; (that is to say,) in every case where the person preferring the complaint shall appear to have suffered any damage, costs, loss of time, or other injury in the matter being the subject of complaint, any such penalty shall and may be paid to such person; or if no damages, costs, loss of time, or other injury shall appear to have been sustained by such person, then such penalty shall be paid to the committee appointed in manner herein-before directed in the county in which the complaint originated, to be applied by such committee towards forming a fund for defraying any expenses in executing the duties assigned to them by this Act; or it shall and may be lawful for such justice to direct any portion of any such penalty so levied to be paid to the party aggrieved, and the remaining portion of such penalty to be paid to such committee.

30. All penalties and forfeitures incurred under this Act, exceeding in amount or value *five pounds*, and not exceeding in amount or value *forty pounds*, shall and may be sued for and recovered by any person who will sue for the same by civil bill before the chairman of the county in which the penalty or forfeiture shall have been incurred, and all such penalties and forfeitures exceeding in amount or value *forty pounds* shall and may be sued for and recovered by any person who will sue for the same, by suit or action at law, or by bill, plaint, or information in any of Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer in Ireland; and in all such actions, suits, or prosecutions which shall be brought or prosecuted for recovery of such forfeitures or penalties, the venue shall be laid in the county or in the county of the city or the county of the town wherein such forfeitures or penalties were incurred, and in none other.

31. If any weaver, sewer, or any other person whatsoever, intrusted, for the purpose of manufacture, or for any special purpose connected with manufacture, with any linen, hempen, cotton, silk, or woollen yarns, or any two or more of these materials mixed with each other, or any cloths made of any one or any mixture of these materials, or tools or apparatus for manufacturing the same, shall sell, pawn, purloin, embezzle, secrete, exchange, or otherwise fraudulently dispose of the same or any part thereof, he shall upon being thereof lawfully convicted by the oath of the owner of such materials, cloths, tools, or apparatus or materials, or of any other credible witness or witnesses, before a court of petty sessions, or of general or quarter sessions, be liable to forfeit the full value of the same, with such costs and penalty as shall not together exceed *five pounds* as the court before which the conviction shall take place shall judge to be most proper; and every such forfeiture and penalty shall be applied, under the direction of the court before which the conviction shall be, in manner following; (that is to say,) in the first place the expenses of the prosecution shall be thereout defrayed, and then such satisfaction shall be made thereout to the party injured as the said court shall think proper, and the remainder, if any, shall be applied in the same manner as any other penalty under this Act; and in default of the immediate payment, on conviction, of such forfeiture and penalty, the said person so convicted shall be imprisoned in the common gaol and there kept to hard labour for any time not exceeding *two months*, unless the amount of such forfeiture and penalty and costs be sooner paid.

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Possibilities exceeding 5*l.* and not exceeding 40*l.* recoverable before chairman, 5 & 6 Will. 4. c. 27. s. 36. Exceeding 40*l.* by action, &c. in superior courts.

Venue to be laid in the county, &c. where penalties incurred.

Persons convicted of pawning or embezzling any of the materials herein particularized to forfeit the full value of the same with costs. 3 & 4 Vict. c. 91. s. 2. 5 & 6 Vict. c. 68. s. 2.

Application of forfeiture.

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Persons
knowingly
purchasing
or receiving
stolen mate-
rials or tools
guilty of a
misdemean-
or;
3 & 4 Vict.
c. 91. s. 3.

32. Any person who shall purchase or take in pawn, or who in any other way shall receive into his premises or possession, linen, hempen, cotton, silk, or woollen yarns, or cloths made of any one or of any mixture of these materials, or tools or apparatus for manufacturing the same, knowing that such yarns, cloths, tools, or apparatus are embezzled, or that the persons offering the same for sale are fraudulently disposing thereof, shall, on conviction by the oath of one or more credible witness or witnesses, be deemed and adjudged guilty of a misdemeanor.

as also per-
sons know-
ingly selling,
pawning, &c.
stolen ma-
terials or
tools.

3 & 4 Vict.
c. 91. s. 4.
5 & 6 Vict.
c. 68. s. 2.

Justice of
the peace
empowered
to issue his
warrant for
the apprehen-
sion of
offenders
against this
Act;

3 & 4 Vict.
c. 91. s. 5.
5 & 6 Vict.
c. 68. s. 2.

and to com-
mit them for
trial at the
sessions.

33. If any person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise dispose of, any such materials, cloths, tools, or apparatus as aforesaid, knowing them to have been purloined or embezzled, or received from persons fraudulently disposing thereof, he shall, on conviction, be deemed and adjudged guilty of a misdemeanor.

34. On proof on oath that there is just cause to suspect that any such materials, cloths, tools, or apparatus as aforesaid have been fraudulently sold, pawned, purloined, or embezzled by the person to whom intrusted, or that any such materials, cloths, tools, or apparatus have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or offered for sale, pawn, pledge, exchange, or other disposal, by any person knowing the same to have been purloined or embezzled, or received from some person fraudulently disposing thereof, it shall and may be lawful for any one justice of the peace, and he is hereby required, to issue his warrant for apprehending such person, and bringing him before him or some other justice of the peace for examination; and if upon such examination the charge of having fraudulently sold, pawned, purloined, or embezzled any such materials, cloths, tools, or apparatus, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or offered for sale, pawn, pledge, exchange, or other disposal, any such materials, cloths, tools, or apparatus, knowing them to have been purloined or embezzled, or received from some person fraudulently disposing thereof, shall be supported by evidence to raise a strong presumption of guilt, such justice shall commit such person to the common goal, in order that he may be brought forward for trial at the next court of petty sessions, or of general or quarter sessions, unless he enter into such bail, with two solvent and sufficient sureties, as may be required for his appearance before such

court: Provided always, that the prosecutor is hereby exclusively entitled to decide as to whether he shall prosecute in a summary manner at the next court of petty sessions, or otherwise.

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Justice empowered to grant search warrants;

and to detain property or persons. 5 & 4 Vict. c. 91, s. 6. 5 & 6 Vict. c. 68, s. 3.

Persons convicted of having stolen property in their possession guilty of a misdemeanour.

Chief constables and chiefs of police empowered to search the premises of purchasers and receivers of purloined or embezzled property, without a justice's warrant, upon emergency.

35 **§5.** If any credible person shall make oath before a justice of the peace that there is a reasonable cause to suspect that any person has in his possession or on his premises any purloined or embezzled cloths, yarns, materials, tools, or apparatus, such justice is hereby authorised and required to grant his warrant to search the dwelling-house and premises of such person; and if any such property shall be found therein, to cause the same, and the person in whose possession or on whose premises the same shall be found, to be brought before him or some other justice of the peace, who is hereby authorised to order his detention until the court of petty sessions, or of general or quarter sessions of the district, unless he enter into such bail, with two solvent and sufficient sureties, as may be required for his appearance before the said court on any day to be fixed by such justice; and if the person so apprehended shall not give an account to the satisfaction of such court how he came by the same, then the said person shall be deemed and adjudged guilty of a misdemeanour and shall be punished in manner hereinafter mentioned, although no proof shall be given to whom such property belongs: Provided always, that in any proceedings under this section it shall not be necessary to prove that the cloths, yarns, materials, tools, or apparatus in respect of which such proceedings shall take place have been purloined or embezzled, in case the party making oath before a justice of the peace that there is reasonable cause to suspect that a person has in his possession or premises any purloined or embezzled cloths, yarns, materials, tools, or apparatus, do likewise make oath that he suspects the same to have been purloined or embezzled.

35 **§6.** All inspectors or sub-inspectors of police or constabulary in any district in Ireland, upon receiving information that stolen or purloined and embezzled linen, hempen, cotton, silk, or woollen yarns, or cloths made of any one or any mixture of these materials, or tools or apparatus for manufacturing the same, or that such yarns or goods suspected of being stolen or purloined and embezzled are deposited in certain specified premises, and that there is reason to apprehend that such yarns or goods will be removed before a warrant can be obtained from a justice, shall henceforth have power, by themselves or their officers or by constables to search the said premises, to place a constable or peace officer in charge of such premises in order to

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3 & 4 Vict.
c. 91, s. 7.
5 & 6 Vict.
c. 68, s. 4.

prevent the removal of such property for such reasonable time as he may consider necessary for the obtaining of such warrant, and either to summon the person within whose premises the same shall be found, and who shall be bound to answer said summons under a penalty not exceeding *forty pence*, or to apprehend the person 5 within whose premises the same shall be found, and to lodge the person within whose premises the same shall be found, in a police office or other place of security, in order that he may be brought before a justice of the peace for examination, as before directed.

Officers,
constables,
and others
to apprehend
suspected
persons, and
to lodge
them, with
the property,
in a police
office.
3 & 4 Vict.
c. 91, s. 8.

Persons so
apprehended
and not
proving that
the property
is honestly
come by,
guilty of a
misdemeanor.

37. Every peace officer and constable, and every watchman 10 shall and may apprehend or cause to be apprehended any person whom he may reasonably suspect of having or carrying, or in any way conveying, any property suspected to be purloined or embezzled, and shall lodge such person, together with the property, 15 in a police office or other place of security, in order that they may be brought before the nearest justice of the peace as soon as convenient, who is hereby empowered to discharge such person, or to order his detention until the next court of petty sessions, or of general or quarter sessions of the district, unless he enter into 20 such bail, with two solvent and sufficient sureties, as may be required for his appearance before said court on any day to be fixed by said justice; and if the person so apprehended in the act of committing any such offence as aforesaid, or conveying any such property as aforesaid, shall not produce before the said court the 25 person duly entitled to dispose of such property, from whom he bought or received the same, or shall not give an account to the satisfaction of the said court that the property is honestly come by, then the person so apprehended shall be deemed and adjudged guilty of a misdemeanor, and be punished in manner herein-after 30 mentioned, although no proof shall be given to whom such property belongs.

Adjournment of time
for trial allowed on
prisoner finding bail.
3 & 4 Vict.
c. 91, s. 9.

38. It shall be competent for the party accused, in all prosecutions brought under authority of this Act, to move for and obtain 35 an adjournment of the time fixed for trial, for such a reasonable time as may appear to the court to be necessary for the party accused to produce the person duly entitled to sell, dispose of, or transmit the said property, of whom he bought or received the same, or evidence respecting the same; but the party accused and requesting such adjournment shall be detained in custody or com- 40 mitted to prison, unless he enter into such bail, with two solvent

and sufficient sureties, as shall be required for his appearance before said court at such time and place as shall be appointed. A.D. 1876.

39. Any person who shall be deemed and adjudged guilty of any offence by this Act declared to be a misdemeanour with respect to
 5 stolen or embezzled materials, cloths, tools, or apparatus, or goods shall, in addition to being deprived, without compensation, of any stolen or embezzled materials, cloths, tools, or apparatus or goods which shall have been found in his possession, forfeit any sum not exceeding *twenty pounds* for each offence, together with costs, if
 10 tried in a summary manner before a court of petty sessions; or shall forfeit any sum not exceeding *forty pounds*, together with costs, if tried before a court of general or quarter sessions; one moiety of the said penalty to be given to the informer, the other to be applied in the same manner as any other penalty under this Act; and in
 15 default of the immediate payment, on conviction, of such penalty and costs, the person so found guilty shall, if the trial has been conducted in a summary manner, be imprisoned in the common goal, and kept to hard labour, for any term not exceeding *three months*; and if the trial has been conducted at a court of general or
 20 quarter sessions, he shall be imprisoned in the common goal, and there kept to hard labour, for any term not exceeding *six months*, as the court in the sentence of condemnation shall fix and determine: Provided always, that in each of the cases aforesaid the person imprisoned shall be released upon payment of the
 25 amount of the penalty and costs to which he has been sentenced.

40. Where no proof shall be given at the time of conviction of the ownership of property found in the possession of a person convicted under this Act, the justices shall cause the property so found
 30 to be deposited in some safe place for any time not exceeding thirty days, and shall order an advertisement to be inserted in one or more of the public newspapers of the town or city nearest the place where the same was found, and shall cause notice to be given, if in a town or city, by some public crier, and by fixing a printed notice on some
 35 public place describing such property and where the same may be inspected; and in case any person shall prove his own or his employer's ownership or property therein, upon oath, to the satisfaction of the justices presiding at the petty sessions of the district, restitution of such property shall be ordered to the owner thereof,
 40 after paying the reasonable cost of removing, depositing, advertising, and giving notice of the same, and such, if any, of the expenses of the prosecution as shall not have been previously paid by the person

Punishes on persons guilty of misdemeanours in respect of goods purloined or embezzled, &c.
 3 & 4 Vict. c. 94. s. 10.
 5 & 6 Vict. c. 68. s. 2.

How property which has been seized, and is unclaimed or undivided, shall be disposed of.
 3 & 4 Vict. c. 91. s. 11.
 5 & 6 Vict. c. 68. s. 5.

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convicted; but if no ownership be proved to such property, the justices presiding at the court of petty sessions of the district shall, at the termination of thirty days, order such property to be sold, and after deducting the charges aforesaid, with the charges of sale, shall order the residue to be applied in the same manner as a penalty 5 under this Act: Provided always, that if it appear to said justices that the yarns are of such a kind as, if sold in an unwrought state, would be liable to be purchased by fraudulent dealers, to be used by them as a cover for their fraudulent transactions, the said justices may order the same to be delivered to the governor of the nearest 10 gaol, or some other person whom they may appoint, to be wrought up and disposed of under his inspection; the free proceeds of the same, when sold, to be applied as before directed.

Owners of materials delivered to weavers, &c. to be worked up, may at all reasonable hours enter into shops or outhouses to inspect such materials.
3 & 4 Vict. c. 91. s. 13.

In case of refusal the owner may apply to a justice for a search warrant.

41. And whereas it frequently happens, by occasion of the very long detention of such materials as aforesaid, delivered out to 15 weavers, sewers, or other persons employed to work up the same, that it cannot be known to the masters or owners of such materials whether the same may have been purloined or embezzled, or whether the said materials are wholly or in part wrought or begun to be wrought, or in what state or condition such materials may be; be it 20 therefore enacted, that it shall be lawful for the owner or owners of any such materials, or any other person duly authorised by him or them, from time to time, as occasion shall require, to demand leave of entrance, and enter, at all reasonable hours in the daytime, into the shops or outhouses of any person or persons employed by 25 him or them to work up or manufacture any of the said materials, or other place or places where the work shall be carried on, and there to inspect the state and condition of such materials; and in case of refusal by any such person or persons so employed to permit such entrance or inspection, such owner or other authorised person 30 may go before any justice of the peace, and make oath that such materials have been intrusted to a weaver, sewer, or other person, and that he has reasonable grounds for suspecting some loss or injury to the property so intrusted as aforesaid, as such person has refused to permit the same to be inspected; and it 35 shall be lawful for such justice, and he is hereby required, to issue his warrant to search the dwelling-house and premises of such person; and if the whole of the materials so intrusted cannot be found therein, or cannot be produced to the constable executing the warrant, such constable shall apprehend such person, 40 and bring him before some justice of the peace, there to be examined; and if upon such examination it shall be found that such person has fraudulently sold, pawned, purloined, or embezzled,

secreted, exchanged, or otherwise fraudulently disposed of any such property, he shall be liable to any of the punishments awarded for such offence under this Act, but if it shall be found that no such offence has been committed, such person shall, for so refusing to permit such entrance for reasonable inspection, forfeit any sum not exceeding *ten shillings*, as the justice before whom he shall be examined shall think proper, to be applied, in the first place, in defraying the expenses of the prosecution, and in the next place, as any other penalty under this Act.

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42. If any manufacturer, agent, or any other person duly authorised by him, shall make oath before a justice of the peace that any such materials as aforesaid have been intrusted to a weaver, sewer, or other person, and that he has absconded, or that the deponent has just cause to suspect, and does suspect, that such person is about to abscond, it shall be lawful for such justice, and he is hereby required, to issue his warrant to apprehend such person, and bring him before him or some other justice of the peace; and if such person shall have absconded or shall not forthwith give security, to be approved of by the said justice, for the return, in a finished state, of all such materials so intrusted to him, within such time as shall be then agreed on, such justice shall, by warrant, order any constable with his assistants to enter the house of such person, and take possession of all such materials so delivered to him as aforesaid (if a warp on the beam, with the beam and mountings), and to bring the same before the said justice, when the said justice will direct the same to be delivered to the owner or other person duly authorised by him, and forthwith release the person in custody; but if all such materials are not in the house or possession of such person, or cannot be produced to such constable, such person shall be deemed and taken to have purloined or embezzled such materials, and shall be liable to any of the punishments awarded for such offence: Provided always, that from and after the passing of this Act the inspector or sub-inspector of police or constabulary of any district, in the absence of a justice of the peace, or where a warrant could not be procured before the offender would be enabled to effect his escape, shall have full power and authority, upon receiving information that a person has absconded or is about to abscond, as above mentioned, and that there is reason to apprehend that he will escape before a warrant from a justice can be procured, to order any peace officer or constable to apprehend such person, and bring him before a justice of the peace, or lodge him in a police office or other place of security, in order that he may be brought before a justice of the peace.

Justice may grant a warrant on complaint on oath that a person is about to abscond.
3 & 4 Vict. c. 91. s. 14.

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Punish on bringing a malicious charge before justice.
3 & 4 Vict.
c. 91. s. 15.

Tickets of particulars shall be given out with the work, and a duplicate or copy to be kept in a weaving book, and to be evidence of agreement.
3 & 4 Vict.
c. 91. s. 16.

Manuf-
turers neg-
lecting or
refusing to
give tickets
or produce
duplicates,
deprived of
remedy
under this
Act.
3 & 4 Vict.
c. 91. s. 17.

Persons re-
ceiving ma-
terials to be
manufac-
tured in a
fictitious
name, or de-

43. Provided also, that if it shall appear to such justice that the manufacturer or agent, or other person duly authorised by him, had no foundation for suspecting that the weaver or person so intrusted would abscond, or that the charge was made from a malicious, vexatious, or improper motive, it shall be lawful for such justice to award the said weaver or person such sum of money, not exceeding ten pounds, as to such justice shall seem fit, which shall be paid by such manufacturer, agent, or person as a compensation for the injury done, and in default of payment shall be levied by distress upon such manufacturer's, agent's, or person's goods.

44. With every warp given out by a manufacturer or agent to a weaver to be woven, there shall be delivered a note or ticket, signed by such manufacturer or agent delivering out the same, stating the length, breadth, and particular fabric and denomination of the work to be performed, the number of shots of weft under the glass which it is to count out of the loom, the time in which the said work is to be finished and returned, and the price in sterling money agreed on for executing each yard imperial standard measure of thirty-six inches of such work in a workmanlike manner, and a duplicate of every such note or ticket, or a copy of the substantial contents of it in a weaving book, shall be made and kept by the manufacturer or agent delivering out the same, which said note or ticket, or (in case of the said note or ticket not being produced by the weaver) which said duplicate or copy of the substantial contents of it in a weaving book, in the event of a dispute between a manufacturer or agent and weaver, shall be evidence of all such matters and things mentioned therein, or respecting the same.

45. Any manufacturer or agent refusing or neglecting to give such note or ticket in the manner hereby prescribed, or not producing such duplicate or copy of the substantial contents of the same, when prosecuting a complaint against any weaver or person to whom goods have been delivered out, shall be deprived of any remedy he might otherwise be entitled to under this Act for the recovery of any property so delivered out, or for the punishment of any offender or offenders against any of the provisions thereof, in any matter or thing relating to the said property so delivered out without a ticket.

46. And whereas it frequently happens that persons receive the materials in fictitious names in order to be manufactured; and that persons receive such materials in their own names in order to be manufactured by themselves, and afterwards deliver the same to others to be manufactured, without the knowledge or consent of

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Having the same to any other person without the consent of the owner, &c. shall be liable to the same punishment as those not fulfilling their engagements.

3 & 4 Vict.
c. 91, s. 10.

Justice to issue warrant to constable to take possession of property entrusted to any person committed for embezzling a part, or convicted of any other offence.

3 & 4 Vict.
c. 91, s. 20.

Cloths, &c. entrusted for manufacturing not liable to seizure for rent or any other debt of the worker.

3 & 4 Vict.
c. 91, s. 21.

the owners thereof; and that carriers or other persons employed to deliver materials to workmen to be prepared or manufactured do designedly deliver such materials to other persons than those intended by the owner of such materials; be it therefore enacted, 5 that if any person shall receive any of the aforesaid materials in a fictitious name in order to be manufactured; or if any person shall receive in his own name any of the said materials in order to be manufactured by himself, or on his own premises, and afterwards (without the consent of the owner thereof) deliver the same or 10 any part thereof to any other person to be manufactured; or if any carrier or other person employed to deliver any such materials to any workmen, to be prepared or wrought up, shall designedly deliver the same to any person other than the person to whom such materials were ordered or intended to be delivered by the 15 owner thereof; every such person so offending, and being convicted thereof on the oath of one or more credible witness or witnesses before a court of petty sessions, shall for every such offence forfeit any sum not exceeding *two pounds*, together with costs as the court before which such conviction shall take place shall award.

20 47. In cases where any weaver or person shall have been committed for embezzling or illegally making away with a part of the property intrusted to him, or shall have been convicted of any other offence against any of the provisions of this Act, it shall be lawful for the justice who committed such person for embezzling or illegally 25 making away with a part of the property intrusted to him, or for the justice presiding at the court of petty sessions before which he has been convicted for that or any other offence, and he or they is or are hereby required, to issue his or their warrant, authorising a constable, with his assistance, to enter the house and premises of 30 such weaver or person, and take possession of all such property so intrusted as shall be found therein (if a warp on the beam, with the beam and mountings), and to bring the same before the said justice or justices, when the said justice or justices shall direct the same to be delivered to the manufacturer, agent, or person duly authorised 35 to receive the same.

48. If any landlord or other person shall seize, carry off, or sell, by virtue of any distress, warrant, execution, or other proceeding for rent in arrear, or money due or alleged to be due, by a weaver or worker, or on any other account whatever, any cloths, yarns, 40 materials, or tools or apparatus for manufacturing the same, belonging to a manufacturer or agent, and intrusted by him to such weaver or worker for the purpose of manufacture, or any tools or

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5 & 6 Vict.
c. 68, s. 6.

apparatus actually employed in manufacturing such cloths or yarns, and shall refuse to restore possession of all such property to such manufacturer or agent when demanded by him, or some person duly authorised by him, on such manufacturer or agent tendering security for the return of such tools or apparatus as may not belong to him 5 as soon as the work shall be finished, any justice of the peace, upon complaint on oath before him, shall, by notice under his hand, require such landlord or other person to restore possession of all such property so seized and carried off or sold, or the full value thereof, and in case of refusal shall issue his warrant to levy, by 10 distress and sale of the goods and chattels of such landlord or person, the full value of the property intrusted, or, if returned without the necessary apparatus, the amount of such injury or damage as it may have sustained, together with all costs of recovering and levying the same: Provided always, that if the landlord or other person making 15 such seizure shall give the manufacturer or agent a notice in writing of such seizure having been made, and requiring him to have all such cloths, yarns, materials, or tools or apparatus removed off the premises, and he shall refuse or neglect to have the same removed within three days (exclusive of Sunday) from the time of 20 service of such notice, then in such case such manufacturer or agent shall be deprived of any remedy he would otherwise be entitled to for the recovery of the same under the said Act, from such landlord or other person.

Masters refusing to pay wages to workmen when due may be summoned before a court of petty sessions.
3 & 4 Vict.
c. 81, s. 22.

49. If any manufacturer or agent employing or retaining any 25 weaver or person shall not from time to time, on the regular appointed days and hours of attendance, pay and discharge all wages and hire as the same shall become due to any such weaver or person, such weaver or person may summon such manufacturer or agent before a court of petty sessions; and the justices presiding may hear and 30 determine such complaint, and order immediate payment of the sum found due, together with costs for loss of time, and of recovering the same, and in default of immediate payment shall issue their warrant to levy the same by distress and sale of the goods and chattels of said manufacturer or agent; and the said justices, if 35 they shall think fit, may also, by order in writing, authorise such weaver or person to return his work unfinished, in which case such weaver or person shall not be liable to the penalties awarded by this Act.

Penalty for bringing a malicious charge

50. And for the discouragement of frivolous and vexatious 40 informations and prosecutions under this Act, be it enacted, that it shall be lawful for any court of petty or of general or quarter

sessions before whom any case under this Act is tried, to award costs to the defendant in case of acquittal, to be paid by the prosecutor; and also if it shall appear to such court that the charge was made from a malicious, vexatious, or improper motive, it shall be lawful for such court to award to the defendant such further sum of money, not exceeding *twenty pounds*, as to such court shall seem fit, to be paid by such prosecutor as a compensation for the injury done; and in default of payment such costs and penalty shall be levied by distress upon such prosecutor's goods.

A.D. 1876,
before the
court.
3 & 4 Vict.
c. 91, s. 24.

51. In every case of summary conviction under this Act, not specially provided for, where the sum which shall be imposed as a penalty by a justice of the peace or a court of petty sessions, together with such wages for loss of time as may be awarded against any manufacturer or agent, and the costs, if awarded, which costs such justice or the justices presiding at said court is and are hereby authorised to award, if he or they think fit, in any case of a conviction under this Act, shall not be paid immediately after the conviction, or where a warrant of distress shall be issued, and no sufficient distress shall be found, it shall be lawful for the convicting justice or justices to commit the offender to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour according to his or their discretion for any term not exceeding *one calendar month*, where the amount of the sum forfeited, or of the penalty imposed with or without wages, together with costs, shall not exceed *five pounds*, and for any term not exceeding *two calendar months* where such amount shall exceed *five pounds* and shall not exceed *ten pounds*, and for any term not exceeding *three calendar months* in any other case, unless the amount and costs be sooner paid.

Scale of imprisonment in summary convictions under this Act not specially provided for
3 & 4 Vict.
c. 91, s. 25

52. In all cases of complaint of any offence or offences committed against the provisions of this Act complaint is to be made within four months from the commission of the same, unless the offending party may have in the meantime left the country; and in all cases where the complaint is either made by a manufacturer or agent against a weaver or worker, or by a weaver or worker against any manufacturer or agent, any justice of the peace of the district in which the cloths, yarns, materials, tools, or apparatus are given out to the weaver or worker, and taken in from him, whether such weaver or worker resides within the district or county or not, shall have full power and authority and is hereby required to act when applied to; and in all such cases the court of petty sessions or of quarter sessions of the said district

Limitation of time within which proceedings must be commenced.
Justice of the district in which the work is given out to have authority to act.
3 & 4 Vict.
c. 91 s. 27.

A.D. 1878. is hereby authorised and required to hear and determine such complaint.

One justice competent to receive information and issue warrant, &c. 3 & 4 Vict. c. 91. s. 27.

Adjudication of the justices at petty sessions may be enforced by any one of such justices.

Construction of terms. 3 & 4 Vict. c. 91. s. 28. 30 & 31 Vict. c. 69. ss. 2 and 3.

Application of penalties. 3 & 4 Vict. c. 91. s. 29.

Appeals from summary convictions to the general or quarter sessions. 3 & 4 Vict. c. 91. s. 30.

53. In all cases where by this Act any court of petty sessions or of general or quarter sessions is authorised and required to hear and determine any complaint, one justice of the peace shall be com- 5 petent to receive the original information or complaint, and to issue the warrant to apprehend the offender and commit him to prison, in order that he may be brought forward for trial (unless he enter into such bail as may be required for his appearance at such time and place as shall be appointed), or to issue the summons 10 requiring the parties to appear before a court of petty sessions; and after examination on oath into the merits of said complaint, and the adjudication thereupon by the justices presiding at any such court of petty sessions being made, all and every the subsequent proceedings to enforce obedience thereto or otherwise, whether 15 respecting the penalty, fine, imprisonment, costs, or matter or things relating to the offence, may be enforced by any one of the justices.

54. In all cases under this Act, in an indictment or information for offences against the property of partners, joint stock companies, 20 or trustees, it shall be sufficient to lay the ownership in the name of one partner or trustee and others. In the construction of this Act, the word "yarn" shall extend to and include flax, hemp, jute, cotton, silk, and wool which shall have been subjected to any manipulation or process to which such materials respectively are subjected 25 by manufacturers, unless there be something in the subject or context inconsistent with such meaning, and any person in the employment of a yarn manufacturer, and having any yarns of such manufacturer in the hands or power or under the charge or control of such person, shall be deemed to be intrusted therewith for the 30 purpose of manufacture.

55. All forfeitures and penalties upon convictions under this Act, not specially provided for, shall be paid under the order of the court or justice convicting, to any one or more public charities 35 within the county, town, or place wherein such conviction shall take place.

56. In all cases of summary conviction before a justice of the peace or court of petty sessions under this Act, where the sum adjudged to be paid shall exceed *two pounds*, or imprisonment shall exceed *one month*, any person who shall think himself aggrieved by 40 any such conviction may appeal to the next court of general or quarter sessions which shall be held for the county, town, or place where such

conviction shall have been made, (such person, at the time of such conviction, giving to such justice, or the justices presiding at such court, notice in writing of his intention to appeal, and also entering into a recognisance at the time of such notice, with two solvent and sufficient sureties, conditioned personally to appear at the said sessions, and to try such appeal and to abide the judgment of the court thereupon, and to pay such costs as shall by the court be awarded,) and upon such notice being given and such recognisance being entered into the justice or justices before whom the same shall be entered into shall liberate such person, if in custody; and the court at such sessions, shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet; and in case of the dismissal of the appeal, or the confirmation of the conviction, the court shall order and adjudge the offender to be punished according to the conviction, and to pay such costs, if any, as shall be awarded, and shall, if necessary, issue process for enforcing judgment.

A.D. 1876

57. For the protection of persons acting in the execution of this Act, all actions and prosecutions for damage to be commenced against any person for anything done in pursuance of this Act shall be laid and tried in the county where the fact was or is charged to have been committed, and shall be commenced within *two calendar months* after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant *one calendar month* at least before the commencement of the action.

*Limitation
of actions.
3 & 4 Vict.
c. 61, s. 32.*

SCHEDULE.

5 & 6 Will. 4. c. 27., so far as the same is not already repealed.

3 & 4 Vict. c. 91.

30 5 & 6 Vict. c. 68.

7 & 8 Vict. c. 47.

30 & 31 Vict. c. 60.

**Linen and Hempen
Manufactures (Ireland).**

A

B I L L

To consolidate and continue the Laws
relating to Linen, Hempen, and other
Manufactures in Ireland.

(*Proposed and brought in by
Sir Michael Hicks Beach and J. B. Sullivan
General for Ireland.*)

*Ordered, by The House of Commons, to be Printed,
29, May 1870.*

[Bill 916.]

Trinder 4 62